

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Jill Leslie Gizzio

Serial No.: 09/881,527

Filed: June 14, 2001

For: Method and Apparatus for Matching Pets to Appropriate Pet Products and Supplies

Group Art Unit: 3629

Examiner: Traci L. Smith

Honorable Commissioner for Patents
Alexandria, VA 22313-1450:

RESPONSE

ADVISORY ACTION RESPONSE, OFFICE ACTION RESPONSE, INTERVIEW

SUMMARY, SPECIFICATION AMENDMENT AND CLAIM AMENDMENTS

Applicant submits the following in Response to the Advisory Action mailed on February 23, 2006, the Office Action mailed on September 28, 2005, telephone conversations with the Examiners, and the Interview with the Examiners conducted on December 20, 2005.

I. Interview Summary for Interview on December 20, 2005

Applicant requested Examiners to reconsider the rejection of claims 2 and 4 under 35 U.S.C. section 102(e) as being anticipated by Bebiak et al. ("Bebiak.") Applicant noted that Bebiak relates to creating a specific formula for a specific pet and that the breed codes of the current invention are comprised of predetermined criteria for a plurality of breeds of pets. It is

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Applicant's understanding that Examiners agreed that claims 2 and 4 would be in condition for allowance if they were rewritten in independent form. In addition, Examiners requested that the specification be amended to include text to mirror Figure 5, and that a drawing be added to mirror the text on page 15 lines 15 through 21 relating to the breed code for cats.

In addition, the possibility of amending the specification to describe what the apparatus of claims 10 through 13 does was also discussed.

II. Claim Rejections – 35 USC § 112

Applicant traverses Examiner's rejection of claims 10 through 13 which were rejected under 35 U.S.C. § 112 first paragraph, and Applicant cancels claims 10 through 13, which Applicant intends to resubmit for further prosecution in a continuation application to be filed while the current application is pending.

III. Claim Rejections – 35 USC § 101

Examiner withdraws the rejection of claims 1 through 9 under 35 U.S.C. § 101 as failing to be directed to statutory subject matter.

III. Claim Rejections – 35 U.S.C. § 102

Applicant traverses Examiner's rejection of claims 1 and 4 through 13 which were rejected under 35 U.S.C. § 102(e), and Applicant cancels claims 1 and 4 through 13, which Applicant intends to resubmit for further prosecution in a continuation application to be filed while the current application is pending.

Consistent with Applicant's interview with Examiners on December 20, 2005, Applicant submits the following:

- 1) claim 2 is amended into an independent claim;

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- 2) the specification is amended to add text, which does not contain new matter, to mirror Fig. 5; and
- 3) Applicant requests Examiners to reconsider the rejection of claim 2 under 35 U.S.C. section 102(e) as being anticipated by Bebiak et al. ("Bebiak.") Applicant notes that Bebiak relates to creating a specific formula for a specific pet and that the breed codes of the current invention are comprised of predetermined criteria for a plurality of breeds of pets. Applicant further argues that claim 3 now depends from an allowable claim. Accordingly, Applicant submits that claims 2 and 3 are not anticipated by Bebiak.

IV. Supporting Evidence Requested in Paragraphs 5 and 6 of the Advisory Action.

In response to the request for copies of information identified in the Encyclopedia of Dogs by Caroline Coile, and for information on the AKC classification of the typical weight of a dog breed, Applicant attaches the following pages of the Encyclopedia of Dogs by Caroline Coile, published by Barron's:

- 1) A copy of a portion of the cover of the Encyclopedia;
- 2) Page 205, with arrows pointing to relevant information, and the words "Breed Code = 1" added;
- 3) Page 201, with arrows pointing to relevant information, and the words "Breed Code = 2" added;
- 4) Page 233, with arrows pointing to relevant information, and the words "Breed Code = 3" added;
- 5) Page 153, with arrows pointing to relevant information, and the words "Breed Code = 4" added;

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- 6) Page 165, with arrows pointing to relevant information, and the words "Breed Code = 5" added;
- 7) Page 3, with arrows pointing to relevant information, and the words "Breed Code = 6" added;
- 8) Page 75, with arrows pointing to relevant information, and the words "Breed Code = 7" added;
- 9) Page 301, with arrows pointing to relevant information, and the words "Breed Code = 8" added;
- 10) Page 111, with arrows pointing to relevant information, and the words "Breed Code = 9" added; and
- 11) Page XV, with the addition of arrows pointing to relevant language, and the addition of underlining of the words "weight" and "AKC standards".